IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

W.P(C).No. 32198 of 2007(G)

PETITIONER:

SUMESH, AGED 22 YEARS,
S/O. UNNIKRISHNAN, OTHALALLUR VEEDU,
PUTHUPALLY P.O., MALAPPURAM.

BY ADV. SRI.C.V.MANUVILSAN
SRI.P.K.KHALEEMUDHEEN
SRI.P.C.ANIL KUMAR
SRI.DARSAN SOMANATH

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
MALAPPURAM DISTRICT.

2. THE TAHSILDAR, TIRUR.

BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 32198 OF 2007 G

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Dated this the 10th December, 2007

J U D G M E N T

The challenge in this writ petition is against Ext. P3 order passed by the District Collector exercising his power under Rule 27 of the Kerala Protection of River Banks and Regulation of Removal of Sand Rules, 2002. When this case came up for orders on 30th October, 2007 and thereafter, the complaint made by the learned counsel for the petitioner was that Ext. P3 was passed without notice to the petitioner and that, he being the registered owner of the vehicle ought to have put on notice before any adverse order was passed.

2. It was taking this submission for granted that the case was adjourned on more than one occasion with a direction to the Govt. Pleader to get instruction. In pursuance to the directions, a statement has been filed in which it is stated that responding to the notice issued the petitioner had appeared before the District

Collector on 26.7.2007and that he was heard. It is also stated that during the course of the hearing the petitioner admitted that the transportation of river sand using the above vehicle was without pass and his contention was that he was only re-transporting the same. His brother who was driving the vehicle was also heard on the same day and the statements of these two persons were recorded copies of which are produced as Exts. R1(a) and R1(b).

3. From this it is evident that the petitioner has not disclosed the truth before this Court and was hiding the fact that he was given notice and was heard. The writ petition deserves to be dismissed for the suppression of fact he has committed before this Court, and I do so.

ANTONY DOMINIC
JUDGE

jan/-